

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

Mildenzel M. Davis,

PLAINTIFF

v.

Cpt. Brunson; Cpl. Benjamin; and Officer Ms.  
Davis,

DEFENDANTS

C/A No. 1:13-cv-03458-TLW-SVH

**Order**

Plaintiff Mildenzel M. Davis, proceeding *pro se* and *in forma pauperis*, filed this § 1983 action alleging violations of his constitutional rights while incarcerated at Florence County Detention Center. Defendants are employees at the detention center. The matter now comes before the Court for review of the Report and Recommendation (Report) filed on February 20, 2014 by Magistrate Judge Hodges, to whom this case was assigned. (Doc. #36.) In the Report, the Magistrate Judge recommends denying Plaintiff's Motion for Temporary Restraining Order (Doc. #24). Plaintiff filed objections on February 20, 2014 (Doc. #36.) This matter is now ripe for decision.

In reviewing the Magistrate Judge's recommendation, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections . . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed,

in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

*Wallace v. Hous. Auth. of City of Columbia*, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has reviewed, *de novo*, the Report and the objections. After careful review of the Report and the objections, for the reasons stated by the Magistrate Judge, the Report is **ACCEPTED**. Plaintiff's objections are **OVERRULED**. Accordingly, Plaintiff's Motion for Temporary Restraining Order (Doc. #24) is **DENIED**.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
Terry L. Wooten  
Chief United States District Judge

March 6, 2014  
Columbia, South Carolina